



0000100747

MEMORANDUM RECEIVED

TO: Docket Control Center

FROM: Ernest G. Johnson
Director
Utilities Division

DATE: July 17, 2009

RE: LIVCO WATER COMPANY AND LIVCO SEWER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER AND SEWER SERVICE IN APACHE COUNTY, ARIZONA
(DOCKET NOS. W-02121A-06-0316 AND SW-02563A-06-0316 - DECISION
NO. 69258)2009 JUL 17 A 10:57
AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL 17 2009

DOCKETED BY

On January 19, 2007, the Commission issued Decision No. 69258 which granted an Order Preliminary to the issuance of an extension of the Certificates of Convenience and Necessity ("CC&N") for Livco Water Company ("LWC") and Livco Sewer Company ("LSC") (collectively the "Companies").

The Decision directed the Companies, within two years of the date the Decision was issued, to acquire various documents, including a Letter of Adequate Water Supply, after which the Companies were to file a Motion requesting that the Order Preliminary become permanent. In order to comply with Decision No. 69258, the Companies were to have filed all of the required documents on or before January 19, 2009. The Companies failed to file the Letter of Adequate Water Supply on or before this date.

Pursuant to Decision No. 69258, Staff was directed to file a Memorandum to the Docket requesting that the docket be administratively closed. Staff filed its Memorandum on January 28, 2009, requesting that the Hearing Division administratively close the docket.

On January 29, 2009, the Companies filed a joint motion objecting to the administrative closure and requesting that Staff grant an extension of time to comply with the deadlines set forth in Decision No. 69258. On March 11, 2009, Staff responded to the Companies' motion.

On May 15, 2009, the Companies filed a joint motion to amend Decision No. 69258, pursuant to Arizona Revised Statutes ("A.R.S.") § 40-252, to grant the Companies until December 31, 2009, to file documentation establishing that there is an adequate water supply available to serve the proposed extension areas described as Concho Valley Units One, Three, Thirty-Three, and Concho West.

Based on the above, Staff recommends that the Commission amend Decision No. 69258, pursuant to A.R.S. § 40-252. Staff recommends that the Commission amend Decision No.

Docket Control Center
July 17, 2009
Page 2

69258 to grant the Companies until December 31, 2009, to file a copy of the developer's Letter of Adequate Water Supply for Concho Valley Units One, Three and Concho West. Staff recommends that if the Companies fail to provide the required documentation on or before December 31, 2009, then this docket shall be administratively closed. Staff further recommends that all other requirements of Decision No. 69258 shall remain.

EGJ:KDB:lmh/KOT

ORIGINATOR: Kimberly Battista

Service List for: Livco Water Company and Livco Sewer Company
Docket Nos. W-02121A-06-0316 and SW-02563A-06-0316

Mr. Steve Wene
Moyes, Sellers & Sims
1850 North Central Avenue, Suite 1100
Phoenix, Arizona 85004

Mr. Ernest G. Johnson
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ms. Janice M. Alward
Chief, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007